



[12093/926]

**EXPEDITED PROCEDURE  
RESPONSE UNDER 37 C.F.R. 1.116  
ART UNIT 3727**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : James P. BRYANT  
Serial No. : 10/665,676  
Filing Date : September 19, 2003  
  
For : DRUM CLOSURE  
Group Art Unit : 3727  
  
Examiner : James N. Smalley

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

Date: 12/9/05  
Signature: John M. Vereb  
John M. Vereb Reg. No. 48,912

**RESPONSE UNDER 37 C.F.R. §1.116**

SIR:

This Response under 37 C.F.R. §1.116 is filed in response to an August 10, 2005 Final Office Action, in connection with the above-captioned application. Please amend the above-captioned application as follows:

**Amendments to the Claims** are contained in the **Listing of Claims**, beginning on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the present application.

## **LISTING OF THE CLAIMS:**

1. (Currently Amended) A drum closure, comprising:

a top clamp configured with a top surface and a bottom surface and at least one threaded top clamp bolt hole extending through a body of the top clamp;

a base clamp configured with a bottom surface and at least one threaded base clamp bolt hole extending through a body of the bottom surface; and

a bolt inserted through the top clamp bolt hole and the base clamp bolt hole and configured to extend from a secured position to an unsecured position, wherein the bottom surface of the top clamp and the top surface of the base clamp are configured to form in unison a lip holding area for a drum and the top clamp and base clamp are configured to be inserted around a portion of a drum lid and drum body interface to secure the drum lid to the drum body, the base clamp configured to rotate from the top clamp in the unsecured position, wherein the base clamp has a fitting inserted into the base clamp to accept and secure the bolt, wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting.

2. (Original) The drum closure according to claim 1, wherein the lip holding area is configured in an approximately semi-circular geometry.

3. (Original) The drum closure according to claim 1, wherein the top clamp, the base clamp and the bolt are made of non-corrosive material.

4. (Original) The drum closure according to claim 4, wherein the non-corrosive material is stainless steel.

5. (Original) The drum closure according to claim 1, wherein the bolt is less than 1 inch in diameter.
6. (Original) The drum closure according to claim 1, wherein the top clamp is configured with a hardened seat around the at least one threaded top clamp bolt hole.
7. (Original) The drum closure according the claim 1, wherein the top clamp has a rounded knuckle on the bottom surface, the rounded knuckle configured to abut a drum lid body interface.
8. (Currently Amended) A method of closing a drum, comprising:
- providing three drum closure arrangements;
  - positioning a top clamp of each of the three drum closure arrangements on a drum lid interface;
  - positioning a base clamp of each of the three drum closure arrangements on the drum lid interface;
  - inserting a bolt through the top clamp into the base clamp; and
  - tightening the bolt such that the top clamps and the base clamps form a lip holding area wherein the bolt enters into the base clamp and is captured by a fitting provided in the base clamp, wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt.
9. (Original) The method of closing a drum according to claim 8, wherein the top and base clamps are positioned over a drum closure ring.

## **REMARKS**

### **I. Introduction**

Claims 1 to 9 are pending in the present application. In view of the preceding amendments and following remarks, Applicants respectfully request reconsideration of the application.

### **II. Rejection of Claims 1 to 7 Under 35 U.S.C. §103(a)**

Claims 1 to 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,462,322 ("Berezansky") in view of U.S. Patent No. 5,301,913 ("Wheatley"). Applicants respectfully submit that the combination of references does not render obvious claims 1 to 7 for the following reasons.

Claim 1 relates to a drum closure, comprising a top clamp configured with a top surface and a bottom surface and at least one threaded top clamp bolt hole extending through a body of the top clamp, a base clamp configured with a bottom surface and at least one threaded base clamp bolt hole extending through a body of the bottom surface; and a bolt inserted through the top clamp bolt hole and the base clamp bolt hole and configured to extend from a secured position to an unsecured position, wherein the bottom surface of the top clamp and the top surface of the base clamp are configured to form in unison a lip holding area for a drum and the top clamp and base clamp are configured to be inserted around a portion of a drum lid and drum body interface to secure the drum lid to the drum body, the base clamp configured to rotate from the top clamp in the unsecured position. Claim 1 also recites that the base clamp has a fitting inserted into the base clamp to accept and secure the bolt. Claim 1 has been amended such that the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Support for the amendment to claim 1 is found, for example, on page 4, lines 21 to 31 and Figure 1.

Berezansky relates to a portable door lock. The portable door lock has separate end portions 5 and 6 that selectively pivot the clamp halves 1 and 2 to bring opposite ends of the lock together or to move them apart. The separate end portions 5 and 6 are connected together through a screw 4 which is rotated by hand or by a screwdriver. Berezansky does not disclose or suggest that the base clamp 5 has a fitting inserted into the base clamp to accept and secure the bolt as admitted by the Final Office Action. Berezansky, furthermore, does not disclose or suggest any configuration wherein the base clamp has a separate penetration from the base

clamp hole, the separate penetration housing the fitting. Applicants furthermore submit that Berezansky, in fact, cannot be used to clamp drum lids whatsoever. Berezansky provides a portable door lock which is split into two halves. Both the top half and the bottom half form a completed (rounded) circle. The section formed by toothed edges 7 and 8 extend around a door knob, and must interface with the spool of the door knob to make contact, thereby preventing the door latch from operating. The teeth must clamp tightly around the spool in order for the Berezansky invention to work. To engage the teeth, the clamp must be closed by turning the screw 4, which completes the circle of teeth 7 and 8 around the spool. The Berezansky door lock does not have any configuration which can fit a lip of a drum, as the lip of the drum and the corresponding remainder of the connection between the lip and the body of the drum would not fit into the door lock of Berezansky. The Berezansky device merely provides a complete rounded circle shape once the two halves of the clamp are fixed together by the slotted screw 4.

The addition of the Wheatley reference does not cure the critical defects of the Berezansky reference. Wheatley allegedly relates to mounting clamps for pick-up truck beds. Wheatley is used by the Office Action to provide a nut 62 placed in line with a bolt. Applicants first submit that Wheatley, even if the nut 62 is considered equivalent to the fitting of the present invention, and applicants do not so admit, provide the nut on the top part of the truck bed clamp and therefore the sum of the references does not disclose or suggest the feature of a fitting inserted into the base clamp to accept and secure the bolt as provided in amended claim 1. Applicants furthermore submit that Wheatley and the combination of references do not disclose or suggest the feature of amended claim 1 wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Wheatley provides a single hole for installation of the bolt and does not provide the structure recited in amended claim 1.

Applicants furthermore respectfully submit that a person of ordinary skill in the art would not combine the teachings of a portable door lock with that of a pick-up truck bed mounting device to teach the structural features of a drum closure.

Claims 2 to 7 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully submit that claims 2 to 7 are patentable for at least the reasons provided above in relation to claim 1.

### **III. Rejection of Claims 1 to 7 Under 35 U.S.C. § 103(a)**

Claims 1 to 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,059,747 ("Montross") in view of Wheatley. Applicants respectfully submit that the combination of Montross and Wheatley does not render obvious claims 1 to 7 for the following reasons.

Montross relates to a burial casket. The burial casket is provided with a closing device which seals the exterior lip of the casket. The Office Action states that Montross provides a top clamp (7), a bolt (15) and a lip holding area (9) and (10). The Office Action further alleges that the bottom clamp (17) can rotate from the top clamp (7).

Applicants previously amended claim 1 to recite the feature of a bolt inserted through the top clamp bolt hole and the base clamp bolt hole and configured to extend from a secured position to an unsecured position, wherein the bottom surface of the top clamp and the top surface of the base clamp are configured to form in unison a lip holding area for a drum and the top clamp and base clamp are configured to be inserted around a portion of a drum lid and drum body interface to secure the drum lid to the drum body, the base clamp configured to rotate from the top clamp in the unsecured position, wherein the base clamp has a fitting inserted into the base clamp to accept and secure the bolt.

Montross merely provides a screwed connection which joins the two sections of the camp together. Montross does not provide the base clamp with any fittings whatsoever to accept and secure the bolt. The Office Action admits that Montross does not provide this feature. Montross furthermore does not disclose or suggest the feature of amended claim 1 wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Montross merely provides a straight hole for incorporation of the screw 15 into the remainder of the burial casket. A separate penetration does not exist in the Montross design for incorporation of a separate fitting.

As described above, Wheatley similarly does not provide a separate penetration for incorporation of the fitting. Wheatley is silent regarding this design. The combination of references, therefore, does not disclose or suggest the features of amended claim 1. Applicants respectfully request withdrawal of the rejection to amended claim 1.

Applicants furthermore submit that a person of skill in the art would not combine the teachings of burial caskets with that of clamps for pick-up truck beds to recite the features of a drum closure.

Claims 2 to 7 depend from claim 1 and therefore include all of the features of claim 1. Applicants respectfully request withdrawal of the rejections to claims 2 to 7.

**IV. Rejection of Claims 8 and 9 Under 35 U.S.C. § 103(a)**

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Montross in view of Wheatley and further in view of United States Patent No. 1,450,687 ("Kunin"). Claims 8 and 9 were further rejected under 35 U.S.C. §103(a) as unpatentable over Kunin in view of Berezansky and in view of Wheatley.

Claim 8 relates to a method of closing a drum. Claim 8 recites the steps of providing three drum closure arrangements, positioning a top clamp of each of the three drum closure arrangements on a drum lid interface, positioning a base clamp of each of the three drum closure arrangements on the drum lid interface, inserting a bolt through the top clamp into the base clamp, and tightening the bolt such that the top clamps and the base clamps form a lip holding area wherein the bolt enters into the base clamp and is captured by a fitting provided in the base clamp. Claim 8 has been without prejudice herein, to recite the features of wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt.

As disclosed above, the Montross, Wheatley and Berezansky references do not disclose a configuration or method which provides the features of a base clamp which as a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt.

The addition of Kunin does not cure the critical defects of the previously cited references. Kunin relates to a cooking vessel. Title. The Office Action merely uses Kunin to disclose three connection units on the top of a cooking vessel. Kunin does not disclose a method of closing a drum having the steps of providing three drum closure arrangements, positioning a top clamp of each of the three drum closure arrangements on a drum lid interface, positioning a base clamp of each of the three drum closure arrangements on the drum lid interface, inserting a bolt through the top clamp into the base clamp, and tightening the bolt such that the top clamps and the base clamps form a lip holding area wherein the bolt enters into the base clamp and is captured by a fitting provided in the base clamp. Kunin does

not disclose or suggest any configuration which has a bolt which enters into the base clamp and is captured by a fitting provided in the base clamp. Kunin furthermore lacks any reference or recitation of the feature of the base clamp which has a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt.

Applicants respectfully submit that the combinations of Montross in view of Wheatley and Kunin or Kunin in view of Berezansky and Wheatley do not render obvious method claim 8.

Claim 9 depends from claim 8 and therefore includes all the features of amended claim 8. Applicants respectfully submit that claim 9 is patentable for at least the reasons presented above in relation to claim 8.

**V. Conclusion**

It is respectfully submitted that all pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: 12/1/05

By: John M. Vereb  
John M. Vereb  
Reg. No. 48,912

KENYON & KENYON  
One Broadway  
New York, New York 10004  
(212) 425-7200  
Customer No. 26646